



General Assembly

***Substitute Bill No. 6812***

*January Session, 2001*

***AN ACT CONCERNING UNEMPLOYMENT COMPENSATION NOTICES  
AND PROCEDURES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 31-240 of the general statutes is repealed and the  
2 following is substituted in lieu thereof:

3 (a) Claims for benefits shall be made, in accordance with such  
4 regulations as the administrator may prescribe, at the public  
5 employment bureau or branch most easily accessible either from the  
6 individual's place of residence or from the place of [his] the  
7 individual's most recent employment, as designated by the  
8 administrator.

9 (b) Not later than January 1, 2002, the administrator shall make  
10 notice of claim forms available in both English and Spanish.

11 (c) The administrator shall ensure that a sufficient number of  
12 employees proficient in both English and Spanish are available to  
13 provide assistance to claimants who elect to file their claims by  
14 telephone utilizing the tele-benefits claim system.

15 Sec. 2. Section 31-241 of the general statutes is repealed and the  
16 following is substituted in lieu thereof:

17 (a) (1) The administrator, or a deputy or representative designated

18 by [him] the administrator and hereinafter referred to as an examiner,  
19 shall promptly examine the initiating claim and, on the basis of the  
20 facts found by [him] the administrator or an examiner, shall determine  
21 whether or not such claim is valid and, if valid, the weekly amount of  
22 benefits payable and the maximum possible duration [thereof. He] of  
23 benefits. The administrator or an examiner shall promptly notify the  
24 claimant of the decision and the reasons [therefore] for the decision,  
25 which notification shall set forth the provision of this section for  
26 appeal. The administrator or an examiner shall promptly examine each  
27 claim for a benefit payment for a week of unemployment and, on the  
28 basis of the facts found by [him] the administrator or an examiner,  
29 shall determine whether or not the claimant is eligible to receive such  
30 benefit payment for such week and the amount of benefits payable for  
31 such week. The determination of eligibility by the administrator or an  
32 examiner shall be based upon evidence or testimony presented in such  
33 a manner as the administrator shall prescribe, including in person, in  
34 writing, by telephone or by other electronic means at a hearing called  
35 for such purpose. The administrator or an examiner shall provide, at  
36 no cost to either party, a qualified interpreter at the hearing at the  
37 request of a party or upon the determination by the administrator or  
38 examiner that a qualified interpreter is necessary. The administrator or  
39 examiner shall administer a separate oath or affirmation to each  
40 qualified interpreter who participates in a hearing which shall obligate  
41 the interpreter to interpret the proceedings in a complete and accurate  
42 manner. Notice of the decision and the reasons [therefore] for the  
43 decision shall be given to the claimant. The employers against whose  
44 accounts charges may be made due to any benefits awarded by the  
45 decision shall be notified of the initial determination of the claimant's  
46 benefit entitlement at the time notice is given to the claimant, which  
47 notification shall set forth the provisions of this section for appeal,  
48 provided any employer who claims that the claimant is ineligible for  
49 benefits because [his] the claimant's unemployment is due to the  
50 existence of a labor dispute at such employer's factory, establishment  
51 or other premises, shall be notified of the decision and the reasons  
52 [therefore] for the decision, whether or not benefits awarded by the

53 decision might be charged against such employer's account. The  
54 employer's appeal rights shall be limited to the first notice [he] the  
55 employer is given in connection with a claim [which] that sets forth  
56 [his] the employer's appeal rights, and no issue may be appealed if  
57 notice of such issue and the right to appeal such issue had previously  
58 been given.

59 (2) Notwithstanding any provisions of this chapter, [to the  
60 contrary,] whenever the employer, after receiving notice of such  
61 hearing, fails to appear at the hearing or fails to timely submit a  
62 written response in a manner prescribed by the administrator, such  
63 employer's proportionate share of benefits paid to the claimant prior to  
64 the issuance of a decision by a referee under section 31-242 for any  
65 week beginning prior to the forty-second day after the end of the  
66 calendar week in which the employer's appeal was filed shall be  
67 charged against such employer's account and the claimant shall not be  
68 charged with an overpayment with respect to such benefits pursuant  
69 to subsection (a) of section 31-273.

70 (3) The decision of the administrator shall be final and benefits shall  
71 be paid or denied in accordance [therewith] with the decision unless  
72 the claimant or any of such employers, within twenty-one calendar  
73 days after such notification was mailed to [his] the last-known address,  
74 files an appeal from such decision and applies for a hearing, provided  
75 [(1)] (A) any such appeal [which] that is filed after such twenty-one-  
76 day period may be considered to be timely filed if the filing party  
77 shows good cause, as defined in regulations adopted pursuant to  
78 section 31-249h, for the late filing, [(2)] (B) if the last day for filing an  
79 appeal falls on any day when the offices of the Employment Security  
80 Division are not open for business, such last day shall be extended to  
81 the next business day, and [(3)] (C) if any such appeal is filed by mail,  
82 such appeal shall be considered timely filed if it was received within  
83 such twenty-one-day period or bears a legible United States postal  
84 service postmark which indicates that within such twenty-one-day  
85 period it was placed in the possession of such postal authorities for  
86 delivery to the appropriate office. Posting dates attributable to private

87 postage meters shall not be considered in determining the timeliness of  
88 appeals filed by mail. Where the administrator or examiner has  
89 determined that the claimant is eligible for benefits, benefits shall be  
90 paid promptly in accordance with the determination regardless of the  
91 pendency of the period to file an appeal or the pendency of such  
92 appeal. [No examiner shall participate in any case in which he is an  
93 interested party.] Any person who has filed a claim for benefits  
94 pursuant to an agreement entered into by the administrator with the  
95 proper agency under the laws of the United States, whereby the  
96 administrator makes payment of unemployment compensation out of  
97 funds supplied by the United States, may in like manner file an appeal  
98 from the decision of such claim and apply for a hearing, and the  
99 United States or the agency [thereof which] of the United States that  
100 had employed such person may in like manner appeal from the  
101 decision on such claim and apply for a hearing.

102 (4) No examiner shall participate in any case in which the examiner  
103 is an interested party.

104 (b) The administrator shall adopt regulations, in accordance with  
105 the provisions of section 31-244 and chapter 54, effective July 1, 1992,  
106 establishing procedures and guidelines necessary to implement the  
107 provisions of this section. Such regulations shall prescribe a minimum  
108 number of days of advance notice to be afforded parties prior to a  
109 hearing and standards for determining the timeliness of written  
110 responses to hearing notices.

111 (c) Not later than January 1, 2002, the administrator shall issue all  
112 vital written notices and materials explaining the provisions of this  
113 section in both English and Spanish.

114 (d) The administrator shall identify claimants who need language  
115 assistance and shall promptly transmit the identity of such claimants to  
116 the Employment Security Appeals Division in the event an appeal of  
117 the claim is taken pursuant to section 31-244a.

118 (e) For purposes of this section, "vital written notices" includes

119 applications, including tele-benefits claim forms, notices of hearing,  
120 notices advising claimants of the availability of qualified interpreters,  
121 decisions by examiners, notices specific to a claimant's claim for  
122 benefits and booklets regarding eligibility and appeal rights and  
123 procedures; and "qualified interpreter" means an individual who has  
124 (1) a demonstrated proficiency in both English and Spanish, (2)  
125 participated in orientation and training that includes the skills and  
126 ethics of interpreting, (3) fundamental knowledge in both English and  
127 Spanish of any specialized terms or concepts peculiar to the  
128 unemployment compensation system, (4) appropriate sensitivity to the  
129 culture of the person with limited English proficiency, and (5) a  
130 demonstrated ability to convey information accurately in both English  
131 and Spanish.

132 (f) Nothing in this section shall be construed to prohibit the  
133 administrator from issuing any other unemployment compensation  
134 notices and materials in both English and Spanish and in any other  
135 language or from making interpreters proficient in a language other  
136 than Spanish available to claimants.

137 Sec. 3. Section 31-244a of the general statutes is repealed and the  
138 following is substituted in lieu thereof:

139 (a) The conduct of hearings and appeals, including [notice thereof]  
140 notices of hearings and appeals, shall be in accordance with rules of  
141 procedure prescribed by the board in regulations adopted pursuant to  
142 section 31-237g. No formal pleadings shall be required, beyond such  
143 notices as the board provides for by its rules of procedure. The referees  
144 and the board shall not be bound by the ordinary common law or  
145 statutory rules of evidence or procedure. They shall make inquiry in  
146 such manner, through oral testimony and written and printed records,  
147 as is best calculated to ascertain the substantial rights of the parties and  
148 carry out justly the provisions of this chapter. A record shall be  
149 prepared of all testimony and proceedings at any hearing before a  
150 referee and before the board but need not be transcribed unless an  
151 appeal is taken from the referee's or board's decision, as the case may

152 be.

153 (b) The Employment Security Appeals Division shall provide, at no  
154 cost to either party, a qualified interpreter at a hearing or appeal at the  
155 request of a party or upon the determination by a referee that an  
156 interpreter is necessary. The referee shall administer a separate oath  
157 or affirmation to each qualified interpreter who participates in a  
158 hearing or appeal which shall obligate the interpreter to interpret the  
159 proceedings in a complete and accurate manner.

160 (c) Not later than January 1, 2002, the Employment Security Appeals  
161 Division shall issue all vital written notices and materials explaining  
162 the provisions of this section in both English and Spanish.

163 (d) For purposes of this section, "vital written notices" includes  
164 notices of appeal rights, notices of hearing, notices advising claimants  
165 of the availability of qualified interpreters and booklets regarding  
166 appeal rights and procedures; and "qualified interpreter" means an  
167 individual who has (1) a demonstrated proficiency in both English and  
168 Spanish, (2) participated in orientation and training that includes the  
169 skills and ethics of interpreting, (3) fundamental knowledge in both  
170 English and Spanish of any specialized terms or concepts peculiar to  
171 the unemployment compensation system, (4) appropriate sensitivity to  
172 the culture of the person with limited English proficiency, and (5) a  
173 demonstrated ability to convey information accurately in both English  
174 and Spanish.

175 (e) Nothing in this section shall be construed to prohibit the appeals  
176 division from issuing any other unemployment compensation notices  
177 and materials in both English and Spanish and in any other language  
178 or from making interpreters proficient in a language other than  
179 Spanish available to claimants.

180 Sec. 4. (NEW) Beginning June 30, 2002, and every two years  
181 thereafter, the administrator shall conduct a survey of each public  
182 employment bureau or branch, tele-benefits call center and appeals  
183 division office to determine:

184       (1) The number of public contact positions in each public  
185 employment bureau or branch, tele-benefits call center and appeals  
186 division office;

187       (2) The number of bilingual employees in public contact positions in  
188 each public employment bureau or branch, tele-benefits call center and  
189 appeals division office;

190       (3) The number and percentage of non-English-speaking persons,  
191 sorted by native language, who are served by each public employment  
192 bureau or branch, tele-benefits call center and appeals division office;

193       (4) The number of anticipated vacancies in public contact positions  
194 in each public employment bureau or branch, tele-benefits call center  
195 and appeals division office;

196       (5) Whether the combined use of contracted telephone-based  
197 interpreter services and bilingual employees in public contact positions  
198 adequately serves the needs of persons with limited English  
199 proficiency who are served by the unemployment compensation  
200 system; and

201       (6) Any other information necessary to determine whether the needs  
202 of persons with limited English proficiency are being met in the  
203 adjudication of unemployment compensation claims and appeals.

**LAB       JOINT FAVORABLE SUBST.**